

FILED
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

2017 JUN 19 P 12:32

DISTRICT OF UTAH

BY: DEPUTY CLERK

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff,	§	
	§	
	§	
V.	§	Case No. 2:09-CR-00098-DB
	§	2:16-CV-01202-DB
	§	
JEFFREY L. MOWEN	§	
	§	
Defendant.	§	
	§	
	§	

AFFIDAVIT IN SUPPORT OF:
MOTION FOR EQUITABLE ESTOPPLE FOR -
MISREPRESENTATION / AFFIRMATIVE MISCONDUCT
BY UTAH D.O.J / G.I.(s) et al

TO THE HONORABLE DISTRICT COURT JUDGE - DEE BENSON:

I AM; JEFFREY L. MOWEN, as Affiant, as Pro Se Defendant,
do appear, state and depose that the following;

AFFIDAVIT IN SUPPORT OF:
MOTION FOR EQUITABLE ESTOPPLE FOR -
MISREPRESENTATION / AFFIRMATIVE MISCONDUCT
BY UTAH D.O.J / G.I.(s) et al

from me is true and correct by belief, personal knowledge, recollection
and information.

I AM; JEFFREY L. MOWEN, as Affiant, as Pro Se Defendant,
do appear, from the soil/land on the country at Large, Fremont County,
Colorado, [in accord with Norton v. Shelby County, 118 US 425 (1886)]

6.01.17

1. I AM; Jeffrey Lane Mowen, and I AM a Pro Se Defendant.

2. I, Jeffrey Lane Mowen respectfully submit this AFFIDAVIT IN SUPPORT OF MOTION FOR EQUITABLE ESTOPPLE FOR MISREPRESENTATION / AFFIRMATIVE MISCONDUCT based on the demonstrable elements of such an Estopple is demanded based on the acts of the Utah D.O.J [US Attorney Huber, AUSA Hirata, et al] and their [GI] Government Informant(s) [Thomas R. Fry, et al].

3. This MOTION FOR EQUITABLE ESTOPPLE FOR MISREPRESENTATION / AFFIRMATIVE MISCONDUCT is clearly a defensive move by me to prevent the Utah D.O.J / GI(s) et al, via MOTION FOR EQUITABLE ESTOPPLE FOR MISREPRESENTATION / AFFIRMATIVE MISCONDUCT, from taking unfair advantage of me through their demonstrable 'Fabricating Evidence' [Affidavit(s)] via 'False Statements' [Perjury / Subornation of Perjury] amounting to Affirmative Misconduct which has induced both me and Court / Honorable Judge Dee Benson to (non)act in a certain way, resulting in a [FRAUDULENT] / "VOID" Judgement injuring me in numerous ways causing irreparable harm.

4. This MOTION FOR EQUITABLE ESTOPPLE FOR MISREPRESENTATION / AFFIRMATIVE MISCONDUCT is clearly a defensive move by me to prevent the Utah D.O.J / GI(s) et al, from taking unfair advantage of me through their demonstrable 'FRAUD ON THE COURT' demonstrated by the five (5) essential elements of this ESTOPPLE posited by way of telling answers to the following poignant questions:


~ 4.1 Q: Was there False representations or concealment of a material fact by Utah D.O.J / GI(s) et al?

A: YES; When the Utah D.O.J [& their GI(s) et al] purposefully concealed the fact(s) that they did in deed know that; a) The real perpetrator of the D.O.J's erroneous allegations and factitious charges was in fact their GI, b) Who began his illicit 'Real Estate Leveraging' [PPM] based investment scheme BEFORE his association with me, and, c) The relationship between the GI (as Lender) and me (as Borrower) was contractually bound / protected by the promissory notes authored by the GI and signed by us [per the Govt's assertion; 'No strings attached' terms], d) The wire transfer in question was between the 'Sender' [ASKM, et al] and the ['Receiver'] GI [et al] based on their exclusive PPM based dealings [entirely independent of me], e) Thus the D.O.J had No Probable Cause in connection with me, f) Specifically, NO Jurisdiction [personal &/or subject matter] over me 'ab initio'.

~ 4.2 Q: Were the representation(s) [per items 4.1(a-f) supra] known to be false by the Utah D.O.J [US Attorney Huber, AUSA Hirata, et al] and their GI 'ab initio' (or before)?

A: YES; Both the Utah D.O.J [US Attorney Huber, AUSA Hirata, et al] and their GI statements in the form of demonstrable 'Fabricating Evidence' [Affidavit(s)] via 'False Statements' [Perjury / Subornation of Perjury] amounting to Affirmative Misconduct 'ab initio' (or even before) was in fact - FALSE.

~ 4.3 Q: Was it believed to be true by the Court / Honorable Judge Dee Benson the Utah D.O.J did indeed have Probable Cause based on proper Jurisdiction (personal &/or subject matter) [vs. controvertible elements enumerated supra in items 4.1(a-f)]?



A: YES; The Honorable Judge did believe them as the both the Utah D.O.J [US Attorney Huber, AUSA Hirata, et al] and their GI made these statements in the form of demonstrable 'Fabricating Evidence' [Affidavit(s)] via 'False Statements' [Perjury / Subornation of Perjury] amounting to Affirmative Misconduct 'ab initio' (or even before).

Note: It is important to memorialize that I was purposefully made ignorant of the arcane acts of the wrongdoers as I never knew of the; (5) proffer meetings between the Utah D.O.J [AUSA Hirata, et al] & GI [T.Fry], ongoing investigation, resulting grand jury hearing, eventuating sealed indictment, and ultimate warrant [demonstrably violating my Constitutionally Protected Rights; 4th Amendment, Due Process, etc.] and the ensuing abduction from the Sovereign Country of Panama (while I was on a temporary overseas work assignment) that fully intended to miscountenance me as a 'fugitive', with the desired end result of unduly (prejudicing) influencing the Honorable Judge Dee Benson 'ab initio'.

~4.4 Q: Did the Utah D.O.J [US Attorney Huber, AUSA Hirata, et al] and their GI make these statements in the form of demonstrable 'Fabricating Evidence' [Affidavit(s)] via 'False Statements' [Perjury / Subornation of Perjury] amounting to Affirmative Misconduct 'ab initio' (or even before) [per items 4.1(a-f) supra] with the intent that they be acted upon by the Court, and further, was the Honorable Judge Dee Benson misled, thus inducing him into issuing aberrant orders [e.g.; from initial warrant (violating my 4th Amendment Rights) adjudicatory hearings, culminating in a VOID Judgement (violating my 'Due Process' Rights)] that the D.O.J's (et al)

misrepresentations were true?

A: YES; The Utah D.O.J [US Attorney Huber, AUSA Hirata, et al] and their GI made their misrepresentations with the intent of FRAUDULENTLY inducing the Court / Honorable Judge Dee Benson into issuing aberrant orders [e.g.; from initial warrant (violating my 4th Amendment Rights) through adjudicatory hearings, culminating in a VOID Judgement (violating my 'Due Process' Rights)] 'ab initio'.

~ 4.5 Q: Am I, as the Defendant now seeking this ESTOPPEL FOR MISREPRESENTATION / AFFIRMATIVE MISCONDUCT because through the Utah D.O.J [US Attorney Huber, AUSA Hirata, et al] and their GI statements in the form of demonstrable 'Fabricating Evidence' [Affidavit(s)] via 'False Statements' [Perjury / Subornation of Perjury] amounting to Affirmative Misconduct 'ab initio' (or even before) has now resulted in substantial prejudice unless the my claim [Motion] of ESTOPPLE succeeds [Granted]?

A: YES; The D.O.J and their GI's FRAUDULENT Acts in their prosecutorial ruse made 'False Statements' [Perjury / Subornation of Perjury] via 'Fabricating Evidence' [Affidavit(s)] amounting to Affirmative Misconduct that were Factually / 'Actually False' and have caused me irreparable harm within the context of my personal and professional life; inclusively the Utah D.O.J's unnecessary pretrial hold based upon these (erroneous) allegations and (factitious) charges precluded / violated several of my Constitutionally Protected Rights; e.g. 'Due Process' / 'Counsel of Choice', etc. -- To be set FREE to vigorously defend my True (non)Involvement and Real Factual / ACTUAL

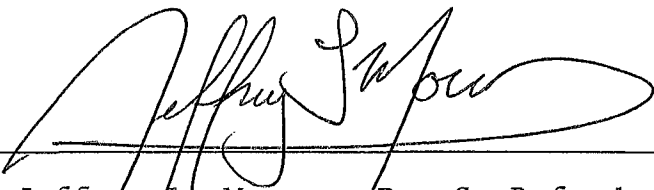
Innocence which has now aided in keeping me otherwise WRONGLY INCARCERATED in the matter still under adjudication.

5. I, Jeffrey Lane Mowen as Affiant, respectfully submits this MOTION FOR EQUITABLE ESTOPPLE FOR MISREPRESENTATION / AFFIRMATIVE MISCONDUCT against the Utah D.O.J [US Attorney Huber, AUSA Hirata, et al] such that they are judicially precluded from continuing to commit 'Fraud Upon the Court' by referring to, including, attaching, etc. such False / FRAUDULENT Statements in any proceeding; pleading, court, tribunal, etc., henceforth so that the Utah D.O.J [US Attorney Huber, AUSA Hirata, et al] demonstrable 'Fabricated Evidence' [Affidavit(s)] via 'False Statements' [Perjury / Subornation of Perjury] amounting to 'Affirmative Misconduct' can no longer induce another [me, Honorable Judge Dee Benson, et al] to believe their falsehood(s) [versus their GI as the real perpetrator of his real crime(s) (consented, confessed, convicted of) as wrongly mine] which has resulted in the detrimental reliance on the falsehood(s) declared by way of a sworn officer(s) of the Court, and to the Honorable Judge Dee Benson.


6. I, Jeffrey Lane Mowen as Affiant, STRONGLY SENSE it vital to make it a matter of 'Of Record' on the Court once again; I have earnestly, even unto ad nauseam done all within my (purposefully limited) ability to extend a 'parley offer' to the Utah D.O.J [US Attorney Huber, AUSA Hirata, et al] in order right the heinous wrongs leveled against me for the benefit of the real victims of their GI's real crime, thus satisfying the still wanting demands of Justice -- ALL TO NO AVAIL.

JH
6.01.17

EXECUTED this 1st day of June, 2017



Mr. Jeffrey L. Mowen - Pro Se Defendant
/ Affiant


6.01.17